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SEP 30 2005

Patent
Attorney Docket No. 101.0053-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Gary K. Michelson)
Serial No.: 08/480,908) Group Art Unit: 3764
Filed: June 7, 1995) Examiner: M. Brown
For: THREADED FRUSTO-CONICAL)
INTERBODY SPINAL FUSION)
IMPLANTS)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

REPLY TO OFFICE ACTION

In reply to the Office Action dated March 31, 2005, the period for reply having been extended for three (3) months by a request for extension and fee payment filed concurrently herewith, the following remarks are submitted.

Applicant notes that the Office Action does not address the status of independent claims 183, 186, 193, and 194, and dependent claims 184, 185, and 187-192. Because any rejection of these claims in the next action will constitute a new ground of rejection not necessitated by amendment, Applicant submits that he is entitled to a non-final action on the merits for claims 183-194. (See MPEP § 706.07(a) "Final Rejection, When Proper on Second Action," page 700-59, col. 2 (May 2004)).

In the Office Action, the Examiner rejected claims 1-9, 11-25, 28-151, 153, 158, 159, 164, 165, 170, 171, 176, 177, and 182 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,782,919 to Zdeblick et al. ("Zdeblick"). Applicant respectfully traverses the Examiner's rejection. Many of the claims include features not disclosed or suggested by Zdeblick.

Reply to Office Action 9-30-05.doc